

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VELMA HILL,)	
)	
Plaintiff,)	
)	
v.)	Nos. 4:19-CV-345 RLW
)	4:19-CV-1315 RLW
)	
LOUIS DEJOY, Postmaster General,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Compel Plaintiff's Response to Defendant's Production Requests. (ECF No. 35.)

Eastern District Local Rule 3.04(A) provides with respect to motions concerning discovery and disclosure:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel **has conferred in person or by telephone** with the opposing counsel in good faith **or has made reasonable efforts to do so**, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

E.D. Mo. L.R. 3.04(A) (emphasis added).

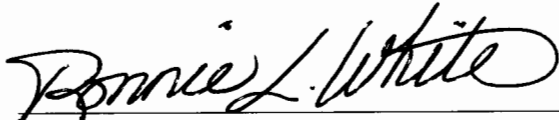
Defendant's motion is accompanied by a certificate detailing the extensive correspondence defense counsel and plaintiff have exchanged with regard to the production requests. There is nothing in the certificate to suggest, however, that defense counsel made a reasonable effort to confer in person or by telephone with plaintiff. The local rule requires a conference **in person or by telephone**, along with details concerning the conference, or a statement of the reasonable efforts

made to confer in person or by telephone. The rule's requirements apply to pro se parties such as plaintiff, as well as to attorneys. The sending of correspondence, though emails and U.S. Mail, is insufficient to constitute a good faith attempt to resolve the dispute under the local rule.

As a result of Defendant's failure to comply with Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Compel Plaintiff's Response to Defendant Production Requests is **DENIED** without prejudice. [ECF No. 35]



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2020.